

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ROBERT CUMBERLAND,

Petitioner,

-against-

HAROLD D. GRAHAM,

Respondent.
-----X

08 Civ. 04389 (LAP)(DF)

ORDER**DEBRA FREEMAN, United States Magistrate Judge:**

This case having been referred by the Honorable Loretta A. Preska, U.S.D.J., and the Court having examined the petition in this action pursuant to 28 U.S.C. § 2254 and concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, it is hereby ORDERED that:

1. Pursuant to Rule 4, the respondent shall serve and file an answer or motion no later than July 28, 2008. Responding papers shall include the transcripts and records of all relevant trial and post-conviction proceedings, the briefs submitted on appeal, and such other information as may be necessary for this Court to determine whether petitioner has exhausted his state remedies.
2. Petitioner shall serve and file reply papers, if any, no later than August 27, 2008.
3. Pursuant to Rule 4, the Clerk of the Court shall serve upon the Attorney General of the State of New New York and the District Attorney of New York County, by certified mail, a copy of this Order, the petition, any documents filed in support of the petition, and the form for consent to proceed before a United States Magistrate Judge. If both parties consent to refer this

Magistrate Judge. If both parties consent to refer this case to a United States Magistrate Judge for all purposes, the consent form should be executed and returned to the Court.

Dated: New York, New York
May 28, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies To:

Hon. Loretta A. Preska
United States District Judge

Mr. Robret Cumberland
04-A-1829
Auburn Correctional Facility
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Box 618
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